

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAMIEN SMITH,

ORDER

Plaintiff,

x.

15-cv-633-bbc

TIM DOLANG, *et al.*,

Defendants.

Pro se prisoner Damien Smith is proceeding on claims that defendants violated his Eighth Amendment by failing to provide adequate treatment for his broken hand. Now plaintiff has moved to compel defendants to provide various medical records related to his treatment. Dkt. 26. Plaintiff does not dispute defendants' representation that he can review his medical file upon request to prison staff, but he objects to obtaining medical records that way on the grounds that he would have to pay fifteen cents for every page he wanted to copy and that his medical file is missing many records.

I am denying plaintiff's motion to compel. With respect to plaintiff's objection to cost, the Federal Rules of Civil Procedure do not give a party a right to free discovery, even when the party is indigent. Even if I assume that cost shifting would be appropriate in some circumstances, plaintiff has made no showing that he is unable to afford the cost of making the necessary copies.

With respect to plaintiff's objection that his medical file is missing documents, he fails to identify what those documents are. If plaintiff believes his medical file is missing documents

and that defendants have access to a more comprehensive file, then he should renew his discovery request to defendants, this time identifying with as much specificity as he can the documents that he believes are missing so that defendants can more easily determine which documents need to be produced, if they have them.

ORDER

It is ORDERED that plaintiff Damien Smith's motion to compel discovery, dkt. 26, is DENIED.

Entered this 27th day of June, 2016.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge